

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection 601  
Title 14, California Code of Regulations  
Re: Enhancement and Management of Fish and Wildlife  
and their Habitat on Private Lands

- I. Date of Initial Statement of Reasons: December 30, 2002
- II. Date of Pre-adoption Statement of Reasons: March 1, 2003
- III. Date of Final Statement of Reasons: April 9, 2003
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: February 7, 2003  
Location: Sacramento, California
  - (b) Discussion and Adoption Hearing: Date: April 4, 2003  
Location: Visalia, California
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

No public comments, written or oral, were received during the public comment period.
- VII. Location and Index of Rulemaking File:

A rulemaking file with attached file Index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Game  
1812 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Pronghorn Antelope Tag Exchange

There are no other alternatives to this proposed amendment.

2. Fee Adjustment

The alternative to the fee adjustment amendment would be to implement fee changes following completion of budget analysis. The program would continue to operate in a deficit condition until the analysis is complete and a modified fee schedule is proposed during the 2004 regulation cycle.

3. Editorial Changes

There are no other alternatives to this proposed amendment.

(b) No Change Alternative:

1. Pronghorn Antelope Tag Exchange

Under the no-change alternative, no provisions would exist to exchange a public pronghorn antelope tag for a PWMA pronghorn antelope tag. This alternative is undesired because it does not maintain or enhance access to private property for pronghorn antelope hunting.

2. Fee Adjustment

Under the no-change alternative, the program will continue to operate in a deficit condition. Completion of tasks necessary to implement the program will be delayed or not accomplished due to insufficient funding, jeopardizing the continued operation of the program.

### 3. Editorial Changes

The no-change alternative would not include minor editorial changes to correct errors, reduce redundancy and improve clarity of the section. Elimination of inconsistency and redundancy within the existing regulation is desirable and results in a concise section.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

### X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts procedures for exchanging pronghorn antelope PLM tags, adjusts PLM license and tag fees, and makes minor editorial changes. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

## **Updated Informative Digest (Policy Statement Overview)**

The Department of Fish and Game (“Department”) proposes to amend Section 601, Title 14 of the California Code of Regulations by establishing a specific process for exchanging an unfilled public hunt pronghorn antelope tag for a Private Wildlife Management Area (PWMA) pronghorn antelope tag. Existing regulations identify special tags and/or seals that hunters must possess to hunt game species included in the management plan for a PWMA. Under these regulations, public big game tags are not valid on a PWMA for species included in the respective management plan. The proposed amendment is necessary because it maintains and/or enhances access to private property for pronghorn antelope hunting. Specific conditions for exchanging a public hunt pronghorn antelope tag for a PWMA pronghorn antelope tag are as follows: buck tags must be exchanged for buck tags, doe tags must be exchanged for doe tags, exchange may occur only for a PWMA tag within the zone specified on the public tag, season/hunt period dates remain the same as those of the public tag, and a PWMA pronghorn antelope tag may not be exchanged for a public tag.

The Department is also proposing to amend the fee schedule for private Wildlife Habitat Enhancement Area licenses and hunting tags. Fees charged for these licenses and hunting tags have not been modified since 1991-92. The cost to the Department to administer this program has increased dramatically over the last ten years due primarily to the increase in ranches participating in the program. The Department is conducting an analysis of program cost and revenue to determine the increase necessary to meet program costs, and is recommending a 20% across-the-board increase in license and hunting tag fees pending completion of the budget analysis. The proposed fees ranges are as follows:

<b>§ 601(b)(4) Proposed License Fees Ranges</b>		
<i>Category</i>	<i>Proposed Fee Ranges</i>	<i>Area</i>
(A)	\$1,250.00 – no change	Less than 5000 acres
(B)	\$1,500.00 - \$1,800.00	5,001 to 10,000 acres
(C)	\$1,750.00 - \$2,100.00	10,001 to 15,000 acres
(D)	\$2,000.00 - \$2,400.00	Greater than 15,001 acres

The Department also proposes minor editorial changes to correct errors, improve clarity and reduce redundancy of the section. Specifically, an erroneous reference to a three-year PWMA license period in subsection 601 (b)(4) is removed. Additionally, the meaning of “unused” tag(s) is ambiguous; this term is replaced with “unfilled public” tag(s) to improve clarity of the section. Redundant provisions and/or requirements within the section are removed, and other minor editorial and organizational changes are included for consistency and to improve clarity.

Section 601, Title 14, CCR is amended to read as follows:

**§ 601. Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands.**

(a) Definition and Scope: A Private Lands Wildlife Habitat Enhancement and Management Area, (Herein after referred to as a Private Wildlife Management Area) is an area of private lands for which the landowner or their designee has completed and implemented a wildlife habitat enhancement and management plan that actively encourages the propagation, conservation and wise use of the fish and wildlife populations on their land. Such areas shall be licensed annually by the department.

(b) Application Process:

(1) Application Form and Management Plan: The applicant for a license to operate a Private Wildlife Management Area shall submit a complete application form to the Department of Fish and Game, at the appropriate regional office as listed on the application form. The applicant shall include three copies of a general management plan containing at least the following information:

(A) A legal description of the land to be included in the Private Wildlife Management Area. Four original USGS quadrangle maps or equivalent maps showing the boundaries of the Private Wildlife Management Area, access roads, any public lands within and/or adjacent to the Private Wildlife Management Area and all structures and facilities, shall be submitted with the original application;

(B) An estimate of the wildlife and habitats present within the Private Wildlife Management Area, including an indication of animal distribution and habitat condition based on the California Wildlife Habitat Relationships Database System;:-

(C) A statement of management objectives;

(D) A detailed description of proposed management actions that are intended to achieve the management objectives;

(E) The county General Plan land use designation for the Private Wildlife Management Area.

(2) Applicants shall be individuals or corporate landowners or their designee.

(3) Applications submitted by person(s) other than the landowner shall be approved and signed by the landowner(s).

(4) License Fees: A nonrefundable fee shall be submitted with the application for a revocable Private Wildlife Management Area license. The fee will be based on the size of the Area as follows:

(A)	\$1,250	less than 5000 acres
(B)	\$1,500	5,001 to 10,000 acres
(C)	\$1,750	10,001 to 15,000 acres
(D)	\$2,000	greater than 15,001 acres
(B)	\$1,800	5,001 to 10,000 acres
(C)	\$2,100	10,001 to 15,000 acres
(D)	\$2,400	greater than 15,001 acres

This application fee is established pursuant to Section 3402(b) of the Fish and Game Code. The Private Wildlife Management Area license shall be valid for five years during the period from July 1 through June 30, and subject to annual review and renewal by the Commission. The application fee covers the initial five-year license period. A fee shall be submitted, based on the size of the area, with the license renewal application at the beginning of each subsequent five year period. This license shall be in place of any other license that may be required of private landowners by the Fish and Game Code or regulations made pursuant thereto. This section shall not, however, be construed to exempt anyone from any requirement pertaining to hunting and sport fishing licenses and stamps. ~~This regulation supersedes Fish and Game Code section 3406 to provide that Private Wildlife Management Area licenses are issued for three hunting license years, which extend from July 1 through June 30, rather than five calendar years.~~

The department will screen each application for compliance with these regulations. Applications that do not provide the information required, will be rejected and returned to the applicant. Any individual whose application has been rejected by the department may appeal that decision to the Commission. Applications accepted by the department will be forwarded for Commission review and approval.

(5) Issuance of Area License: Upon approval of the general management plan, the department, with approval of the Commission, shall issue a license for the taking of any fish, game bird or mammal in said Private Wildlife Management Area pursuant to the regulations of the Commission and the terms and conditions of the permit, which may supersede Fish and Game Code Sections 331(a) and (b) as it pertains to resident hunters and license tag fees for antelope, Section 332(b) and (c) as it pertains to resident hunters and license tag fees for elk, and ~~s~~Sections 457-459, related to antlerless and either sex deer.

(A) During the initial license year, the take of antelope or elk, will not be authorized, nor shall deer be taken except during the general open season, consistent with the bag and possession limits for the deer hunting zone in which the Area is located, unless otherwise stipulated by the Fish and Game Commission. This provision does not apply to renewed licenses provided that the Private Wildlife Management Area has been continuously licensed in the Private Lands Wildlife Habitat Enhancement and Management Program. Upon satisfactory completion of the first year management actions identified in the plan for the Private Wildlife Management Area, the Commission may authorize seasons and bag limits which differ from those established for the general seasons. Hunting must be consistent with the management plans prepared for that area or herd and should not result in an overall negative effect on the species population or herd being hunted as determined by the department. ~~This provision does not apply to renewed licenses provided that the Private Wildlife Management Area has been continuously licensed in the Private Lands Wildlife Habitat Enhancement and Management Program.~~

(6) Annual Review: Annual renewal applications must be submitted to the department no later than March 1. The annual renewal application shall contain a summary of habitat enhancement and management activities, harvest, and full payment of fees for the preceding year. The department shall review each plan to determine that the licensee has fulfilled the obligations as prescribed in the management plan. The annual review shall evaluate the following:

(A) Results of activities carried out during the preceding year ~~and their results~~, including habitat improvement, wildlife production and population levels, hunter use and harvest of wildlife, including an accurate account of all hunting permits, seals and big game tags;

(B) Recommended changes in the general management plan.

(c) Tags and Seals:

(1) Possession of Tags and Seals: Every person hunting on a Private Wildlife Management Area shall have in their immediate possession a valid California hunting license and the appropriate tag or seal issued by a licensee or their authorized agent. Tags shall be filled out by hunters before hunting. The tags or seals shall permit hunting for the period specified, or until revoked by the licensee or the department. Hunting permittees shall only take or possess those species and number of each species as specified by their hunting tags or seals as approved in the management plan. This does not apply to species not included in the management plan which may only be taken in accordance with the provisions of Part 2, Chapters 1-7, and 9 of these regulations and sections 4331 and 4332 of the Fish and Game Code. Hunting permittees while on the Private Wildlife Management Area shall be subject to all terms and conditions of the license.

(2) Tag and Seal Procedures:

(A) The department shall furnish each licensee with the appropriate tags or seals required by each management plan. With landowner approval and payment of the additional tag or seal fees, tags or seals issued by the licensee may be exchanged for a tag or seal for the same species for use on any other licensed Private Wildlife Management Area for the take of the same species.

(B) Any deer hunter who has been issued a deer tag or deer tag application by the department and wishes to hunt on a Private Wildlife Management Area shall exchange an ~~unused~~ unfilled public tag(s) or tag application(s) of the current license year for a Private Wildlife Management Area deer tag(s). These tags can only be used on a Private Wildlife Management Area. ~~A hunter may also obtain a Private Wildlife Management Area deer tag(s) from a licensee by presenting a deer tag(s) from another Private Wildlife Management Area.~~ In no event shall any hunting permittee take more than two deer each year anywhere in California on either public or private lands. No person shall take more than one buck deer in the X-zones, as defined in Section 360(b), Title 14, CCR.

(C) Any pronghorn antelope hunter who has been issued a buck pronghorn antelope tag by the department and wishes to hunt on a Private Wildlife Management Area within the zone specified on the tag shall exchange an unfilled public buck pronghorn antelope tag of the current license year for a Private Wildlife Management Area buck pronghorn antelope tag. Any pronghorn antelope



hunter who has been issued a doe pronghorn antelope tag by the department and wishes to hunt on a Private Wildlife Management Area within the zone specified on the tag shall exchange an unfilled public doe pronghorn antelope tag of the current license year for a Private Wildlife Management Area doe pronghorn antelope tag. In no case shall an exchange occur to allow pronghorn antelope hunting outside the geographic zone or prescribed dates of the original tag, as contained in Section 363, Title 14. No hunter shall exchange a Private Wildlife Management Area pronghorn antelope tag for a public tag.

(D) Immediately upon killing any animal under the authority of the tag issued to them by the licensee, the hunter shall completely fill out the tag and attach it to the antler or horn of the male animal or to the ear of the female animal. Prior to transporting the carcass from the Private Wildlife Management Area, the hunter shall surrender the report card portion of the tag to the licensee or their designee. The hunter shall have the license tag validated pursuant to the provisions of Section 4341 of the Fish and Game Code and Section 708(a)(8), Title 14, CCR. The completed report card portion of the deer tag or any other species tag shall be returned to the department by the licensee on or before January 1. The license tag shall remain with the animal pursuant to Sections 708(a)(3), 708(c)(4), 708(d)(4), Title 14, CCR.

(3) Tag and Seal Fees: The licensee shall pay the department the following fees for each tag and seal authorized annually:

(A) Buck Deer tag	<del>\$40</del> <u>48</u>
(B) Antlerless Deer tag	<del>\$40</del> <u>48</u>
(C) Either-sex Deer tag	<del>\$40</del> <u>48</u>
(D) Pig tag	<del>\$35</del> <u>42</u>
(E) Bear tag	<del>\$35</del> <u>42</u>
(F) Bull Elk tag	<del>\$350</del> <u>420</u>
(G) Antlerless Elk tag	<del>\$250</del> <u>300</u>
(H) Buck Antelope tag	<del>\$125</del> <u>150</u>
(I) Doe Antelope tag	<del>\$75</del> <u>90</u>
(J) Turkey tag	<del>\$15</del> <u>18</u>
(K) Upland Game seals	<del>\$00.75</del> <u>00.90</u>

(d) Operation of a Private Lands Wildlife Habitat Enhancement and Management Area:

(1) Posting: Private Wildlife Management Areas shall be posted by the licensee by placing signs which have been approved by the department and that forbid trespass. Signs shall be placed at intervals not less than three to the mile along exterior boundaries and at all roads and trails entering such lands. Where the area is bounded by land open to public hunting, posting shall be required with signs posted at intervals not less than eight to the mile. These signs shall identify both ingress to the Area and egress from the Area. Posting shall be completed no later than fourteen days prior to hunting within either the Area or adjacent public deer hunting zone, and maintained for the life of the license. Posting shall

ensure that all boundaries are clearly marked and that no public access roads or areas appear to be closed.

(2) Records: The licensee shall maintain accurate records of all tags and seals and make such records available to the department upon request. The licensee shall provide the department with the location of where records will be kept and available for inspection. An accurate accounting of all hunting tags and seals authorized shall be submitted to the Licenses and Revenue Branch, 3211 S Street in Sacramento, CA 95816, by March 1 of each year. Such accounting shall include the actual exchanged tags or applications provided by the individual hunters on each area. Each licensee shall pay for all the previous year's authorized tags and seals by March 1. In the event a licensee fails to remit all fees by March 1, the department may require full payment of all tags and seals prior to the next license year.

(e) Revocation of Licenses, Tags, and Seals:

(1) License: A Private Lands Wildlife Habitat Enhancement and Management Area license may be suspended temporarily by the Director, upon their verification of the facts, for a breach or violation of the terms of the license by the holder thereof, or by any person acting under their direction or control or in cooperation with them. The Commission shall be notified of any such suspension and subsequently may revoke or reinstate the license or fix the period of suspension after written notice and a hearing at the next scheduled Commission meeting has been provided to the licensee by the Commission. Any licensee convicted of a violation of the Fish and Game Code or regulations made pursuant thereto or a violation of the terms and conditions of their license must appear before the Commission prior to the issuance of a new license.

(2) Tags and Seals: The licensee, their designee, or any employee of the department may revoke a Private Wildlife Management Area hunting tag or tags, seal or seals for a violation of any Fish and Game law or regulation or the terms and conditions of the Private Lands Wildlife Habitat Enhancement and Management Area license.

(f) Termination of License: a licensee may elect to terminate involvement with the Private Lands Wildlife Habitat Enhancement and Management Program only after giving the Commission and the department ten days notice of their intent to withdraw. The licensee must submit a certified letter of intent to the Fish and Game Commission and the nearest regional office of the Department of Fish and Game along with a full accounting of all tags and seals used, exchange tags received, and all fees due the department. Prior to the department receiving this notice and full accounting with fees due, the licensee must abide by the terms and conditions of the license issued pursuant to Section 3402 of the Fish and Game Code.

(g) No person shall violate any of the provisions of this section or any license issued pursuant thereto. Failure to comply therewith may result in:

(1) denial of application

(2) revocation of license and/or tags and seals

(3) citation under the provisions of the Fish and Game Code.

NOTE: Authority cited: Sections 200, 202, 203, 3402, 3404 and 3406, Fish and Game Code. Reference: Sections 3400-3404, 3406-3409, 4331-4332 and 4341, Fish and Game Code.